



JPW

DOCKET NO: 243760US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
KATSUJI IKEDA, ET AL. : EXAMINER: THOMAS, ERIC W.  
SERIAL NO: 10/681,090 :  
FILED: OCTOBER 9, 2003 : GROUP ART UNIT: 2831  
FOR: ELECTRIC DOUBLE LAYER :  
CAPACITOR AND PROCESS FOR ITS  
PRODUCTION

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated April 12, 2004, Applicants provisionally elect with traverse Group I, Claims 1-13 directed to an electric double layer capacitor for examination on the merits in the present application. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Applicants traverse because, according to MPEP § 803:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the Office Action has identified separate classifications, making a *prima face* case of a serious burden, it is respectfully submitted that there is no serious burden in searching and examining the entire application.

As patents and other publications in this art often contain descriptions of both a process and the apparatus implementing the process, it is thus very likely that patents and

Application No. 10/681,090  
Reply to Office Action of April 12, 2004

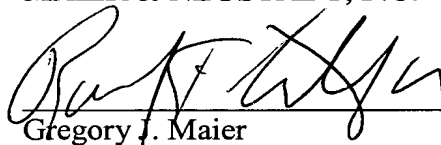
publications in the field of the claimed process will have descriptions of an apparatus in which the process is implemented, greatly facilitating the prior art search and the consideration of both apparatus and process claims.

Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications on the restricted inventions.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-18 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Attorney of Record  
Registration No. 25,599

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)

Raymond F. Cardillo  
Registration No. 40,440

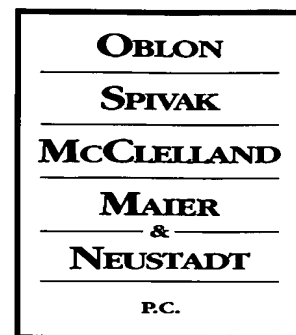
GJM/RFC/STD/kke

I:\ATTY\STD\24'S\243760US2\243760US.REST.REQ.DOC



Docket No.: 243760US2

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/681,090  
Applicants: Katsuji IKEDA, et al.  
Filing Date: October 9, 2003  
For: ELECTRIC DOUBLE LAYER CAPACITOR AND  
PROCESS FOR ITS PRODUCTION  
Group Art Unit: 2831  
Examiner: THOMAS, Eric W.

SIR:

Attached hereto for filing are the following papers:

**RESPONSE TO RESTRICTION REQUIREMENT**

Our check in the amount of **-0-** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Gregory J. Maier

Registration No. 25,599

Customer Number

**22850**

(703) 413-3000 (phone)  
(703) 413-2220 (fax)

Raymond F. Cardillo  
Registration No. 40,440

I:\ATTY\STD\24's\243760US2\243760US.SHT PTO Cvr.DOC